

By: Nelson

S.B. No. 705

A BILL TO BE ENTITLED

AN ACT

relating to the Medicaid consolidated waiver program and other Medicaid long-term care waiver programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.077 to read as follows:

Sec. 161.077. LONG-TERM CARE MEDICAID WAIVER PROGRAMS. (a)

In this section, "Section 1915(c) waiver program" has the meaning assigned by Section 531.001, Government Code.

(b) The department, in consultation with the commission, shall streamline the administration of and delivery of services through Section 1915(c) waiver programs. In implementing this subsection, the department, subject to Subsection (c), may consider implementing the following streamlining initiatives:

(1) reducing the number of forms used in administering the programs;

(2) revising program provider manuals and training curricula;

(3) consolidating service authorization systems;

(4) eliminating any physician signature requirements the department considers unnecessary;

(5) standardizing individual service plan processes across the programs; and

(6) any other initiatives that will increase

1 efficiencies in the programs.

2 (c) The department shall ensure that actions taken under  
3 this section do not conflict with any requirements of the  
4 commission under Section 531.0218, Government Code.

5 SECTION 2. Effective September 15, 2009, Section 531.02191,  
6 Government Code, is amended to read as follows:

7 Sec. 531.02191. PUBLIC INPUT. In complying with the  
8 requirements of Section [~~Sections~~] 531.0218 [~~and 531.0219~~], the  
9 commission shall regularly consult with and obtain input from:

- 10 (1) consumers and family members;
- 11 (2) providers;
- 12 (3) advocacy groups;
- 13 (4) state agencies that administer a Section 1915(c)  
14 waiver program; and
- 15 (5) other interested persons.

16 SECTION 3. (a) Effective September 15, 2009, Section  
17 531.0219, Government Code, is repealed.

18 (b) Effective September 15, 2009, the consolidated waiver  
19 program under Section 531.0219, Government Code, is abolished. The  
20 Department of Aging and Disability Services, with the assistance of  
21 the Health and Human Services Commission, shall:

22 (1) before September 14, 2009, determine in which  
23 other Section 1915(c) waiver programs, as defined by Section  
24 531.001, Government Code, each person receiving services through  
25 the consolidated waiver program is eligible for enrollment; and

26 (2) not later than September 14, 2009, transfer the  
27 person's enrollment without any break in service from the

1 consolidated waiver program to an appropriate program described by  
2 Subdivision (1) of this subsection for which the person is  
3 eligible.

4 (c) A person described by Subsection (b) of this section may  
5 not be placed on an interest list or any other waiting list for a  
6 Section 1915(c) waiver program instead of being enrolled in a  
7 program as required by Subsection (b)(2) of this section.

8 SECTION 4. If before implementing any provision of this Act  
9 a state agency determines that a waiver or authorization from a  
10 federal agency is necessary for implementation of that provision,  
11 the agency affected by the provision shall request the waiver or  
12 authorization and may delay implementing that provision until the  
13 waiver or authorization is granted.

14 SECTION 5. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2009.